



**NASH COUNTY PLANNING BOARD  
FREDERICK B. COOPER COMMISSIONERS ROOM  
CLAUDE MAYO, JR. ADMINISTRATION BUILDING - THIRD FLOOR  
120 WEST WASHINGTON STREET  
NASHVILLE, NC 27856**

**TUESDAY, JANUARY 21, 2020 - 7:00 P.M.**

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**MEETING AGENDA**

- 1. Call to Order.**
- 2. Determination of a Quorum.**
- 3. Approval of the Minutes of the December 16, 2019 Regular Meeting – DELAYED.**
- 4. Text Amendment Request A-200101 - Nash County Unified Development Ordinance.**  
Made by Ecoplexus, Inc. to amend UDO Article XI, Section 11-4, Subsection 11-4.72(a)(C) in order to remove the building setback requirements applicable within solar farm facilities along interior property lines dividing separately owned lots.
- 5. Conditional Use Permit Request CU-200101.**  
Made by Fresh Air Energy XXIII, LLC on behalf of the property owners - Family Acreage, LLC and the Heirs of J. E. Upchurch et al. - to authorize the development of the northern portion of the East Nash PV1, LLC photovoltaic solar farm on portions of two tracts of land totaling approximately 183 acres located at 1652 N Old Franklin Rd, Nashville, NC 27856 in the A1 (Agricultural) Zoning District.
- 6. Conditional Use Permit CU-190701 Amendment Request.**  
Made by Phobos Solar, LLC on behalf of the property owner, Tracie Winstead, to authorize the expansion of a previously approved photovoltaic solar farm to include an additional approximately 24 acre portion of an approximately 40 acre tract of land located at 2949 Old Nash Rd and 3951 & 3990 Frazier Rd, Middlesex, NC 27557 in the A1 (Agricultural) Zoning District.
- 7. Other Business.**

**Update on Planning Actions by the Board of Commissioners on January 6, 2020:**

**General Rezoning Request Z-191201** to rezone the 37.78 acre campus of The Free Will Baptist Children's Home, Inc. at 7907 Buck Deans Rd to OI (Office & Institutional) was **APPROVED.**

**Conditional Use Permit CU-091102 Amendment Request** to permit “miscellaneous retail sales (party supplies/rentals and used merchandise store)” within the 0.8 acre RC-CU (Rural Commercial Conditional Use) Zoning District located at 7442 S NC Highway 58 was **APPROVED**.

**REMINDER: Upcoming Nash County Joint Strategic Land Use Planning Workshop:**

**Date:** Tuesday, February 11, 2020  
**Time:** 6:00 p.m. to 8:30 p.m.  
**Location:** Claude Mayo, Jr. Administration Building  
120 West Washington Street, Nashville, NC 27856  
**Facilitator:** Bruce Naegelen, N.C. Department of Commerce  
Main Street & Rural Planning Center

**8. Adjournment.**

**NASH COUNTY PLANNING BOARD**  
**TEXT AMENDMENT REQUEST - UNIFIED DEVELOPMENT ORDINANCE**  
**STAFF REPORT**

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**File Number:** A-200101 (Text Amendment Request)  
**Applicant:** Ecoplexus, Inc. (Forrest M. Coldren)  
**Affected UDO Section(s):** Article XI, Section 11-4, Subsection 11-4.72(a), (C)  
**Purpose:** To remove the building setback requirements applicable within solar farm facilities along interior property lines dividing separately owned lots.

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***Description of the Proposed Text Amendment:***

Article XI, Section 11-4, Subsection 11-4.72(a) of the Nash County Unified Development Ordinance (UDO) establishes required development standards for solar farm facilities. More specifically, it requires that solar panel arrays be subject to the same minimum building setback requirements that would apply to any principal building located in the same zoning district.

When this requirement was adopted by Nash County in 2011, the typically proposed solar farm project was smaller and more likely to be located on property owned by a single individual or entity. However, over time the average size of solar farm projects proposed within the County's jurisdiction has increased, making it more likely for an individual facility to be spread across multiple leased properties that are contiguous to each other, but have separate owners.

The current solar farm setback requirements pose a challenge for these larger scale projects, because properties under separate ownership cannot be easily combined with each other in order to eliminate interior property boundaries.

Enforcement of the current setback requirements causes the creation of "gaps" within the interior of a solar farm project area along property lines that divide parcels with separate owners. In order to accommodate these interior setback "gaps," the overall area covered by the solar farm facility must be increased. In these instances, the current setback requirements are only serving to separate solar panel arrays from other solar panel arrays that all belong within the same contiguous, fenced facility.

For this reason, Ecoplexus Inc., a solar development company, has submitted the following Text Amendment Request A-200101 to amend UDO Article XI, Section 11-4, Subsection 11-4.72(a), (C) in order to remove the building setback requirements applicable within solar farm facilities along interior property lines dividing separately owned lots.

If the proposed text amendment were adopted, then the standard building setback requirements would continue to apply around the exterior perimeter of solar farm facility project areas (as well as the adjoining incompatible land use screening requirements where appropriate.)

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***Proposed Text Amendment (Addition Highlighted):***

**NASH COUNTY UNIFIED DEVELOPMENT ORDINANCE  
ARTICLE XI: DEVELOPMENT STANDARDS**

**11-4 DEVELOPMENT STANDARDS FOR INDIVIDUAL USES**

**11-4.72(a) Solar Farm (Last Amended 10/3/2011)**

**(C) Setbacks**

Solar farm facilities and structures shall conform to the principal building setback requirements of the zoning district in which they are located. Where a solar farm facility is located on multiple lots of record in separate ownership, the building setback requirements shall apply only to the exterior perimeter of the total project area and not to the interior property boundaries within the project area.

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***TRC Recommendation:***

The Nash County Technical Review Committee (TRC) considered Text Amendment Request A-200101 via email on January 11, 2020 and recommended **APPROVAL** based on its determination that the proposed amendment is reasonable, in the public interest, and consistent with the recommendations of the Nash County Land Development Plan.

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***Suggested Motions:***

**MOTION #1 – RECOMMEND A CONSISTENCY STATEMENT:**

*I move that the Nash County Planning Board recommends Consistency Statement 'A' or 'B' (choose one from below) related to Text Amendment Request A-200101 for consideration by the Nash County Board of Commissioners.*

**Consistency Statement 'A' (For APPROVAL):**

Text Amendment Request A-200101 is reasonable, in the public interest, and consistent with the recommendations of the Nash County Land Development Plan because:

- (1) The Nash County Land Development Plan does not specifically address development standards for solar farm facilities, leaving that task to the Unified Development Ordinance.
- (2) The application of the current minimum building setback requirements to the interior property boundaries of large solar farm facilities developed on multiple properties in separate ownership:
  - (a) Creates inefficient “gaps” within the project area that increase the overall required size of the facility; and
  - (b) Only serve to separate solar panel arrays from other solar panel arrays that all belong within the same contiguous, fenced facility.
- (3) The standard building setback requirements will continue to apply around the exterior perimeter of solar farm facility project areas.

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**Consistency Statement ‘B’ (For DENIAL):**

Text Amendment Request A-200101 is not reasonable and/or not in the public interest and/or not consistent with the recommendations of the Nash County Land Development Plan because: **(List reasons.)**

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**MOTION #2 – RECOMMEND APPROVAL OR DENIAL OF THE TEXT AMENDMENT:**

*I move that the Nash County Planning Board recommends **APPROVAL** or **DENIAL** (choose one) of Text Amendment Request A-200101 for consideration by the Nash County Board of Commissioners.*

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**NASH COUNTY PLANNING BOARD**  
**CONDITIONAL USE PERMIT REQUEST**  
**STAFF REPORT**

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**File Number:** CU-200101 (Conditional Use Permit Request)  
**Applicant:** Fresh Air Energy XXIII, LLC (Forrest Melvin Coldren)  
**Property Owners:** Family Acreage, LLC & the Heirs of J. E. Upchurch et al.  
**Location:** South Side of N Old Franklin Rd  
**Physical Address:** 1652 N Old Franklin Rd, Nashville, NC 27856  
**Tax ID #:** PIN # 286000891057 / Parcel ID # 005662 (Portion)  
PIN # 286000764551 / Parcel ID # 009652 (Portion)  
**Total Area:** Approximately 183 Acres (Within Nash County's Zoning Jurisdiction)  
**Proposed Land Use:** Photovoltaic Solar Farm (East Nash PV1, LLC)  
**Zoning District:** A1 (Agricultural)  
**LDP Classification:** Suburban Growth Area  
**Notice of Public Meeting:** Mailed to Property Owners Within 600' on January 8, 2020

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***Description of the Subject Property:***

The subject property consists of portions of two tracts of land located at 1652 N Old Franklin Rd, Nashville, NC 27856 on the northeast side of the Town of Spring Hope. The northern tract is owned by Family Acreage, LLC and the southern tract is owned by the Heirs of J. E. Upchurch et al.

The tracts are the proposed site of the East Nash PV1, LLC 46.8-megawatt (AC) photovoltaic solar farm, however, only the northern portion of the project area is located within Nash County's planning and zoning jurisdiction. The remaining southern portion of the project area is located within the extraterritorial jurisdiction (ETJ) of the Town of Spring Hope and therefore requires appropriate zoning permitting by the town.

The portion of the project area within Nash County's jurisdiction (approximately 183 acres) is located in the A1 (Agricultural) Zoning District and appears mostly wooded with a few areas cleared for agricultural cultivation. There are some existing farm structures located on the northern tract at 1652 N Old Franklin Rd that would require demolition prior to the construction of the project.

The subject property is located in the Tar-Pamlico River Basin. It is not located in a regulated floodplain or a designated watershed protection overlay district. The site does include identified

wetlands as well as several riparian stream buffers, which the proposed project design accommodates with appropriate buffers to prevent disturbance.

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***Description of the Permit Request:***

Fresh Air Energy XXIII, LLC has submitted Conditional Use Permit Request CU-200101 on behalf of the property owners in order to authorize the development of the northern portion of the East Nash PV1, LLC 46.8-megawatt (AC) photovoltaic solar farm on the subject property. The power generated by the facility will be sold to the local utility provider, Duke Energy Progress.

The facility will include fenced areas containing rows of ground-mounted solar panel arrays that slowly tilt throughout the daylight hours to track the movement of the sun. The electrical substation for the facility will be accessed via the project's only proposed entrance off N Old Franklin Rd, however, it will be located on the southern portion of the site within the Town of Spring Hope's zoning jurisdiction.

The proposed site plan depicts the location of "mandatory" 25' wide visual screening buffers in accordance with the adjoining incompatible land use screening requirements of UDO Article XI, Section 11-3, Subsection 11-3.3 (B) along portions of the project boundary where the facility will be located within 100 feet of an immediately adjacent residentially used property. These portions shown in green will consist of either planted or preserved natural vegetation meeting the applicable ordinance requirements. The developer has substituted additional evergreen understory trees for the ordinance prescribed canopy trees because they should provide a more effective visual screen at eye level over time.

The developer has also proposed additional "elective" screening (shown in pink on the site plan) beyond the minimum requirements of the ordinance, which will consist of a row of evergreen trees to be planted in other locations around the perimeter of the project site. All screening buffers depicted on the approved site plan will be required to be installed or preserved as indicated.

According to documentation provided by the applicant, the Town of Spring Hope issued a Special Use Permit for the portion of the solar farm project located within its jurisdiction on November 13, 2013 and then reapproved the permit on April 1, 2019.

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***TRC Recommendation:***

The Nash County Technical Review Committee (TRC) considered Conditional Use Permit Request CU-200101 on January 3, 2020 and recommended **APPROVAL** based on and subject to the suggested conclusions with supporting findings of fact and the recommended permit conditions listed in the following motions.

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***Suggested Motions:***

**MOTION #1 – RECOMMEND CONCLUSIONS WITH SUPPORTING FINDINGS OF FACT:**

*I move that the Nash County Planning Board recommends **Option 'A' or 'B'** (choose one from below) related to Conditional Use Permit Request CU-200101 for consideration by the Nash County Board of Commissioners.*

**Option 'A': Conclusions with Supporting Findings of Fact for APPROVAL:**

- (1) The proposed development meets all the standards required by the Nash County Unified Development Ordinance, including the specific requirements of Article XI, Section 11-4, Subsection 11-4.72(a) for solar farm facilities because:**
  - (a) The proposed site is located in the A1 (Agricultural) Zoning District and a solar farm is a permitted land use in this district with the issuance of a conditional use permit by the Nash County Board of Commissioners.
  - (b) The proposed solar panel arrays are depicted on the submitted site plan to reach a maximum height of fifteen feet (15') above grade, not exceeding the maximum allowable height of twenty-five feet (25').
  - (c) The submitted site plan depicts the proposed solar farm facilities and structures to be in conformance with the principal building setback requirements of the A1 (Agricultural) Zoning District in which it will be located.
  - (d) The submitted site plan depicts the solar farm facility enclosed by a six-foot (6') high chain-link security fence topped with three-strand barbed wire.
  - (e) The submitted site plan depicts the location of the maximum potential extent of the solar panel array coverage on the subject properties meeting the required separation distances from the surrounding property lines. It also depicts the locations of the proposed substation, inverters, access drives, vegetative screening buffers, and areas to remain undisturbed for the protection of existing wetlands and riparian stream buffers. The site plan includes a scaled drawing of the proposed solar collector structures.
  - (f) No visual safety hazard is anticipated to be caused for motorists passing the solar farm facility because the photovoltaic cells will be treated with an anti-reflective coating in order to prevent glare.
  - (g) Solar farm facilities shall be removed, at the owner's expense, within one hundred eighty (180) days of a determination by the Zoning Administrator that the facility is no



longer being maintained in an operable state of good repair, unless a different responsible party is identified by the lease agreement.

**(2) The proposed development will not materially endanger the public health or safety because:**

- (a) The solar farm will be fenced and gated to control access to the facility.
- (b) The solar farm facility will be constructed to meet all applicable construction codes.
- (c) The solar panels that comprise the solar arrays are made primarily of glass and they do not contain dangerous materials, nor do they emit dust, noxious fumes, or liquids.
- (d) The solar panels are designed to absorb light, rather than reflect it, which mitigates glare concerns for adjoining properties.

**(3) The proposed development will not substantially injure the value of adjoining or abutting property because:**

- (a) The applicant cites previous appraisal reports which conclude that solar farms do not injure the value of adjoining or abutting properties.
- (b) The solar farm facility generates minimal noise during operational daylight hours and no noise at night.
- (c) The solar farm facility does not generate dust, fumes, or odors.
- (d) After construction, the solar farm facility will generate no additional traffic with the exception of routine maintenance inspections or repairs.
- (e) The solar farm facility shall be screened from view by the proposed existing or planted vegetative buffers.

**(4) The proposed development will be in harmony with the area in which it is to be located because:**

- (a) As a relatively low-impact passive development, a solar farm facility is consistent with the land use pattern of the surrounding area, which includes existing agricultural, residential, and forested land uses.
- (b) A solar farm facility generates less traffic than a typical residence or agricultural operation and the solar panel arrays are shorter in height than typical residential and agricultural structures in the area.

**(5) The proposed development will be in general conformity with the Nash County Land Development Plan because:**

- (a) The Nash County Land Development Plan designates the subject property as a Suburban Growth Area.
- (b) While the Land Development Plan does not specifically comment on solar farms as a potential land use, solar farm facilities have previously been determined to be compatible with the Suburban Growth Area because:
  - i) The solar farm facility is a relatively low-intensity land use consistent with the existing low-density residential and agricultural development pattern of the surrounding area.
  - ii) The solar farm facility does not require public infrastructure services such as the provision of a water supply or wastewater disposal services.
  - iii) The solar farm facility will provide a renewable, sustainable alternative source of energy to benefit the community.

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**Option 'B': Conclusions with Supporting Findings of Fact for DENIAL:**

To deny the conditional use permit request, the Board needs only to identify any one or more of the five standards listed above that the proposed development fails to satisfy and then adopt findings of fact to support that conclusion based upon information presented at the public meeting.

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**MOTION #2 – RECOMMEND APPROVAL OR DENIAL OF THE CONDITIONAL USE PERMIT REQUEST:**

*I move that the Nash County Planning Board recommends **APPROVAL or DENIAL (choose one)** of Conditional Use Permit Request CU-200101 for consideration by the Nash County Board of Commissioners, subject to the following suggested permit conditions:*

- (1) The solar farm facility shall be developed on the subject properties in accordance with the submitted application materials, the approved site plan, and all applicable requirements of the Nash County Unified Development Ordinance.
- (2) All vegetative screening buffers shall be planted or preserved as depicted on the approved site plan and shall be maintained and/or replaced as necessary in order to provide effective visual screening of the solar farm facility.

- (3) Upon approval of the conditional use permit, the applicant shall submit the required permit recording fee made payable to the Nash County Register of Deeds.
  - (4) Prior to the issuance of a construction authorization, the developer shall submit a revised site plan depicting the specific construction details of the solar farm facility.
  - (5) The development of the solar farm facility shall be subject to the approval and issuance of the following additional permits and documents, as applicable:
    - (a) Sedimentation & Erosion Control Plan Approval, Riparian Stream Buffer Determinations, and Stream Crossing Approvals issued by the N.C. Department of Environmental Quality;
    - (b) Driveway Permits issued by the N.C. Department of Transportation;
    - (c) Demolition Permit issued by the Nash County Planning & Inspections Department and Well and/or Wastewater System Abandonment Permits issued by the Nash County Environmental Health Division (if necessary) for the existing structures located at 1652 N Old Franklin Rd;
    - (d) Tar-Pamlico River Basin Overlay District Stormwater Permit issued by the Nash County Planning & Inspections Department; and
    - (e) Zoning Permit and Electrical Permit issued by the Nash County Planning & Inspections Department.
  - (6) The landowner(s) of record shall be responsible for the deconstruction and removal of the solar farm at such time that the facility is either decommissioned or abandoned in accordance with the requirements of UDO Article XI, Section 11-4, Subsection 11-4.72(a)(G).
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# Conditional Use Permit Request CU-200101 East Nash Spring Hope PV1 Solar Farm

Area in  
Nash County's  
Jurisdiction  
Approx.  
183 Acres

Area in  
Town of  
Spring Hope's  
Jurisdiction

N



1 in = 1,200 ft



**Conditional Use Permit Request CU-200101  
East Nash Spring Hope PV1 Solar Farm**

**A1  
(Agricultural)**

**Area in  
Nash County's  
Jurisdiction  
Approx.  
183 Acres**

**A1  
(Agricultural)**

**Spring Hope  
Zoning**

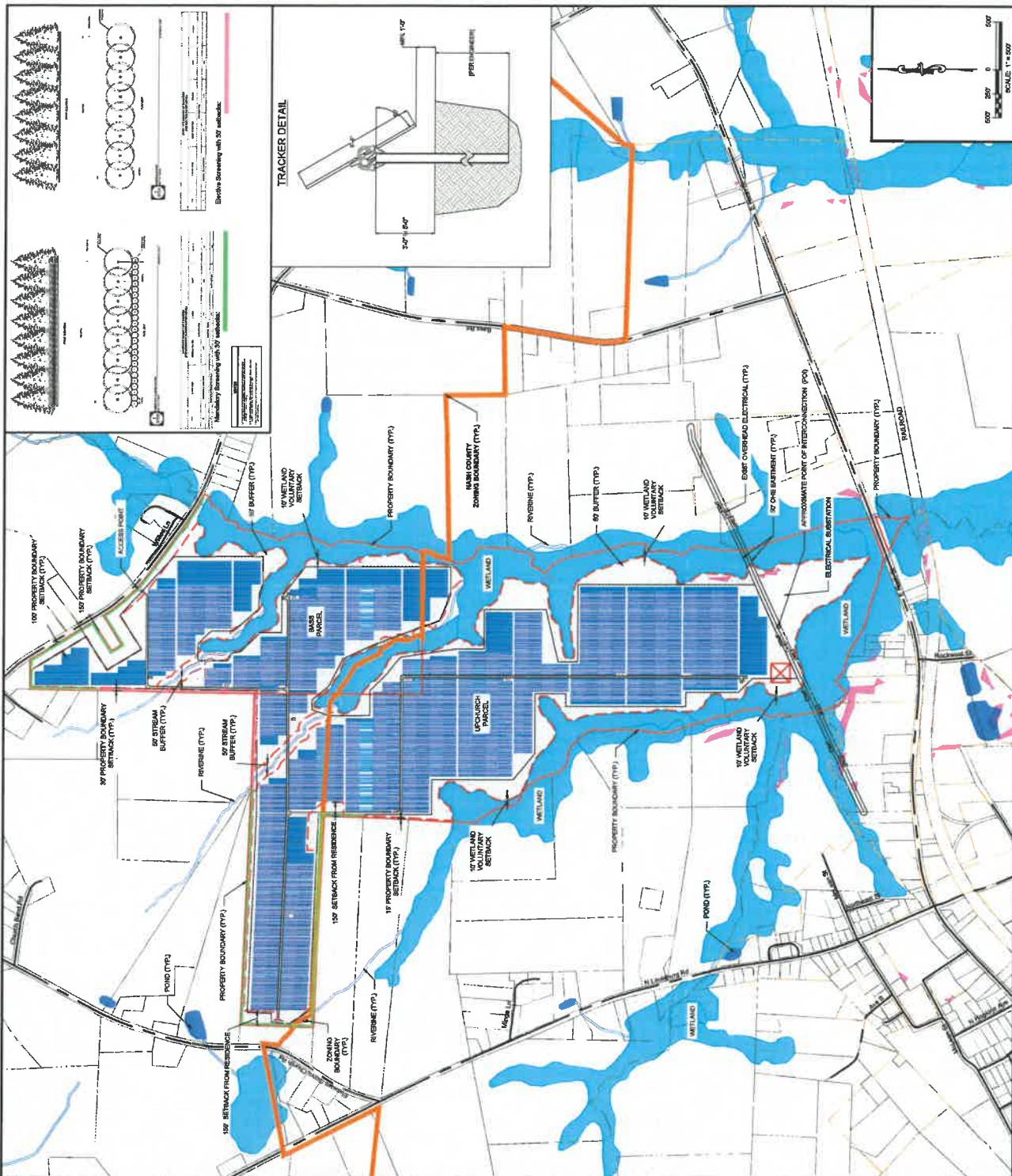
**Area in  
Town of  
Spring Hope's  
Jurisdiction**

**N**



**1 in = 1,200 ft**





## GENERAL PROJECT INFORMATION

[illegible]

**WASH COUNTY LANDSCAPING REQUIREMENTS**

- (1) **INDUSTRIAL AND COMMERCIAL USES:** WASTEWATER AND COMBUSTION PRODUCTS ARE PROHIBITED TO BE LOCATED TO THE RIGHT OF THE PRINCIPAL BUILDING. ACCESSORY STRUCTURES ARE ALLOWED TO BE LOCATED TO THE RIGHT OF THE PRINCIPAL BUILDING PROVIDED THAT SUCH STRUCTURES ARE NOT USED FOR ANY PURPOSES OTHER THAN THE INTENDED USE OF THE PROPERTY. USES SHALL PROVIDE EXHAUSTING IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:
  - (a) A MINIMUM 25-FOOT PERPETUALLY MAINTAINED NATURAL OR PLANTED BUFFER AROUND ALL PROPERTY SHALL BE PROVIDED ALONG ALL PROPERTY BOUNDARIES DIRECTLY ADJACENT TO A WASTEWATER TREATMENT PLANT, INDUSTRIAL OR COMMERCIAL USES.
  - (b) THREE FEET 100 LINEN PAPER OR BETTER VARIOUS CANOPY TREES SHALL BE PLANTED ALONG ALL PROPERTY BOUNDARIES DIRECTLY ADJACENT TO A WASTEWATER TREATMENT PLANT, INDUSTRIAL OR COMMERCIAL USES.
  - (c) A MINIMUM 10-FOOT PERPETUALLY MAINTAINED NATURAL OR PLANTED BUFFER AROUND ALL PROPERTY SHALL BE PROVIDED ALONG ALL PROPERTY BOUNDARIES DIRECTLY ADJACENT TO A WASTEWATER TREATMENT PLANT, INDUSTRIAL OR COMMERCIAL USES.
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- (2) **RECREATION AND RESIDENTIAL USES:** WASTEWATER AND COMBUSTION PRODUCTS ARE PROHIBITED TO BE LOCATED TO THE RIGHT OF THE PRINCIPAL BUILDING. ACCESSORY STRUCTURES ARE ALLOWED TO BE LOCATED TO THE RIGHT OF THE PRINCIPAL BUILDING PROVIDED THAT SUCH STRUCTURES ARE NOT USED FOR ANY PURPOSES OTHER THAN THE INTENDED USE OF THE PROPERTY. USES SHALL PROVIDE EXHAUSTING IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:
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  - (d) A MINIMUM 10-FOOT PERPETUALLY MAINTAINED NATURAL OR PLANTED BUFFER AROUND ALL PROPERTY SHALL BE PROVIDED ALONG ALL PROPERTY BOUNDARIES DIRECTLY ADJACENT TO A WASTEWATER TREATMENT PLANT, INDUSTRIAL OR COMMERCIAL USES.

## GENERAL NOTES

1. THE PURPOSE OF THIS PLAN IS TO PROVIDE THE FORM OF SPECIAL CARE AND MAINTENANCE PERMIT FOR A SPECIAL PERMIT PLANT.
2. THE PROJECT EXTENTS REFLECT THE PROPOSED LOCATION OF THE SOLAR FACILITY. THE PROJECT EXTENTS DO NOT INCLUDE THE AREAS OF THE ADJACENT WETLANDS THAT REQUIRE REMEDIATION TO THE SOLAR ARRAY WITHIN THE FENCED AREA, AND ARE NOT TO BE CONSIDERED AS A PART OF THE SPECIAL PERMIT. THE FENCED AREA, AND ADJACENT WETLANDS, WILL BE REMOVED AND REVEALED BY THE SPECIAL PERMIT. THE DRAWINGS WILL BE SUPPLIED TO THE STATE FOR THE SPECIAL PERMIT FOR CONSTRUCTION AND FOR THE SPECIAL PERMIT FOR OPERATION.
3. CURRENT OWNER: JOACHIMUS & HENBEST, INC.  
2000 W. 10TH STREET  
DURHAM, NC 27712  
FAMILY RESOURCES LLC  
PO BOX 4, HARRAH, NC 27659
4. PARCEL ACHSEMAIL: PRR 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 8

**NOTES:** THIS DRAWING IS THE PROPERTY OF ECOLUXUS, L.L.C. THIS INFORMATION IS CONFIDENTIAL AND IS TO BE USED ONLY IN CONNECTION WITH WORK DESCRIBED HEREON. NO PART OF THIS DRAWING IS TO BE DISCLOSED TO OTHERS OR REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF ECOLUXUS, INC. OR ITS SUBSIDIARIES. PARCELS, TOPOGRAPHY, ROADS, WETLANDS, STREAMS, PONDS, BASEMENTS, RIGHT-OF-WAYS, UTILITIES, ETC., ARE OBTAINED FROM COUNTY GIS DATA.

**NASH COUNTY PLANNING BOARD**  
**CONDITIONAL USE PERMIT AMENDMENT REQUEST**  
**STAFF REPORT**

---

**File Number:** CU-190701 (Conditional Use Permit Amendment)  
**Applicant:** Phobos Solar, LLC  
**Property Owner:** Tracie Winstead  
**Location:** North & South Sides of Frazier Rd; East Side of Old Nash Rd  
**Physical Addresses:** 2949 Old Nash Rd and 3951 & 3990 Frazier Rd, Middlesex, NC 27557  
**Tax ID #:** PIN # 275700275519 / Parcel ID # 010331  
**Area to be Added:** Approximately 24 Acres of an Approximately 40 Acre Tract  
**Proposed Land Use:** Photovoltaic Solar Farm  
**Zoning District:** A1 (Agricultural)  
**LDP Classification:** Suburban Growth Area  
**Notice of Public Meeting:** Mailed to Property Owners Within 600' on January 8, 2020

---

***Description of the Subject Property:***

The subject property consists of an approximately 24 acre eastern portion of an approximately 40 acre tract of land owned by Tracie Winstead and located at 2949 Old Nash Rd and 3951 & 3990 Frazier Rd, Middlesex, NC 27557 in the A1 (Agricultural) Zoning District.

The property is immediately adjacent to the existing Brantley Solar Farm (approximately 360 acres) on the north side of Frazier Road and to the proposed Phobos Solar Farm (approximately 692 acres) on the south side of Frazier Road.

The property is primarily used for agricultural cultivation and also includes three existing dwellings (two of which appear to be dilapidated) around the intersection of Frazier Road and Old Nash Road.

The property is not located in a regulated floodplain or a designated watershed protection overlay district and is primarily located in the Neuse River Basin.

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***Description of the Permit Amendment Request:***

Conditional Use Permit CU-190701 was issued by the Nash County Board of Commissioners on August 5, 2019 to authorize the development of the proposed 80-megawatt (AC) photovoltaic Phobos Solar Farm across eight tracts of land totaling approximately 692 acres. The applicant,

Phobos Solar LLC, has now determined a need to expand the project area to include the approximately 24 acre eastern portion of the subject property as well to accommodate additional solar panels in order to generate the proposed amount of electricity.

Therefore, the applicant has submitted a request on behalf of the property owner to amend Conditional Use Permit CU-190701 to include the subject property within the Phobos Solar Farm project area. The applicant proposes no changes to the existing conditions previously attached to Conditional Use Permit CU-190701, which will also apply to the subject property as well.

The expanded portion of the solar farm facility will be accessed from both sides of Frazier Road and will include fenced areas containing rows of ground-mounted solar panel arrays that slowly tilt throughout the daylight hours to track the movement of the sun. The power generated by the entire facility will be sold to the local utility provider, Duke Energy Progress.

The area of the proposed solar farm will be visually screened from the immediately adjacent Elizabeth Missionary Baptist Church property to the east and the existing dwelling at 4124 Frazier Rd to the south by a 25' wide planted vegetative screening buffer in accordance with the requirements of the Nash County Unified Development Ordinance. It will also be screened from the Frazier Rd public right-of-way by additional "elective" vegetative screening proposed by the applicant.

---

***TRC Recommendation:***

The Nash County Technical Review Committee (TRC) considered the request to amend Conditional Use Permit CU-190701 on January 3, 2020 and recommended **APPROVAL** based on the suggested conclusions with supporting findings of fact below.

---

***Suggested Motions:***

**MOTION #1 – RECOMMEND CONCLUSIONS WITH SUPPORTING FINDINGS OF FACT:**

*I move that the Nash County Planning Board recommends Option 'A' or 'B' (choose one from below) related to the request to amend Conditional Use Permit CU-190701 for consideration by the Nash County Board of Commissioners.*

**Option 'A': Conclusions with Supporting Findings of Fact for APPROVAL:**

- (1) The proposed development meets all the standards required by the Nash County Unified Development Ordinance, including the specific requirements of Article XI, Section 11-4, Subsection 11-4.72(a) for solar farm facilities** because the subject property is located in the A1 (Agricultural) Zoning District and the expanded area of the facility is proposed to be constructed to the same design standards as the previously approved portion of the Phobos Solar Farm.



- (2) **The proposed development will not materially endanger the public health or safety because** there is no evidence that the expanded area of the solar farm facility will pose any unique threat not already considered in relation to the previously approved portion of the Phobos Solar Farm.
- (3) **The proposed development will not substantially injure the value of adjoining or abutting property because** the applicant has submitted a property impact report for the proposed expansion of the previously approved Phobos Solar Farm prepared by Richard C. Kirkland, Jr., MAI of Kirkland Appraisals, LLC which concludes that in his professional opinion, "the solar farm proposed at the subject property will have no impact on the value of adjoining or abutting property."
- (4) **The proposed development will be in harmony with the area in which it is to be located because** the applicant has submitted a property impact report for the proposed expansion of the previously approved Phobos Solar Farm prepared by Richard C. Kirkland, Jr., MAI of Kirkland Appraisals, LLC which concludes that in his professional opinion, "the proposed use is in harmony with the area in which it is located" due to "some of the positive implications of a solar farm" including "protection from future development of residential developments or other more intrusive uses, reduced dust, odor and chemicals from former farming operations, protection from light pollution at night, it's quiet, and there is no traffic."
- (5) **The proposed development will be in general conformity with the Nash County Land Development Plan because** the subject property is designated as Suburban Growth Area and solar farm facilities have previously been determined to be compatible with the Suburban Growth Area because they are a relatively low-intensity land use that does not require public infrastructure services (water supply or wastewater disposal) and that provides a renewable, sustainable alternative source of energy to benefit the community.

--- OR ---

**Option 'B': Conclusions with Supporting Findings of Fact for DENIAL:**

To deny the request to amend the conditional use permit, the Board needs only to identify any one or more of the five standards listed above that the proposed development fails to satisfy and then adopt findings of fact to support that conclusion based upon information presented at the public meeting.

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**MOTION #2 – RECOMMEND APPROVAL OR DENIAL OF THE CONDITIONAL USE PERMIT AMENDMENT:**

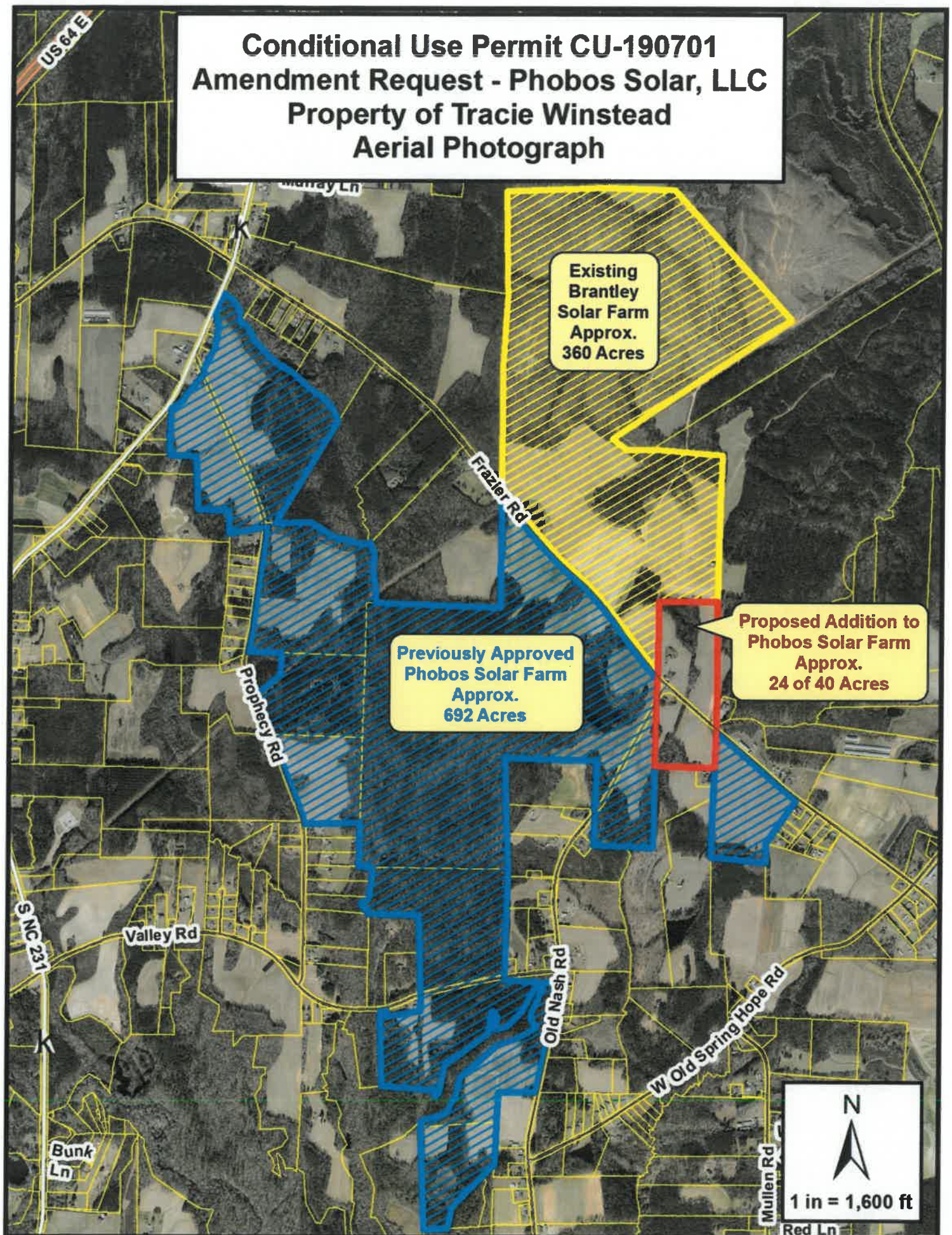
*I move that the Nash County Planning Board recommends **APPROVAL** or **DENIAL** (choose one) of the request to amend Conditional Use Permit CU-190701 in order to authorize the*

*expansion of the previously approved Phobos Solar Farm to include the subject property for consideration by the Nash County Board of Commissioners.*

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**Conditional Use Permit CU-190701  
Amendment Request - Phobos Solar, LLC  
Property of Tracie Winstead  
Aerial Photograph**



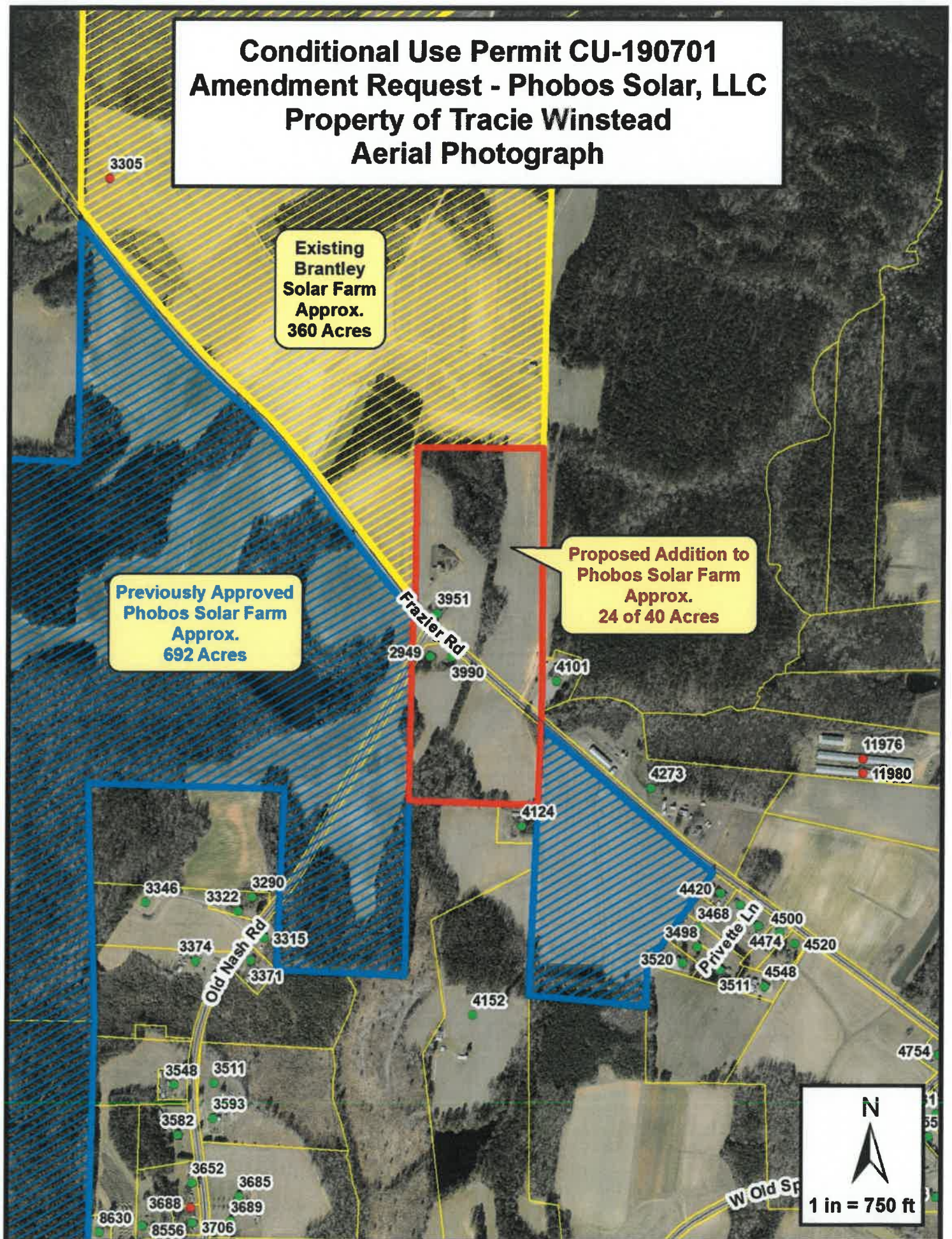


**Conditional Use Permit CU-190701  
Amendment Request - Phobos Solar, LLC  
Property of Tracie Winstead  
Aerial Photograph**

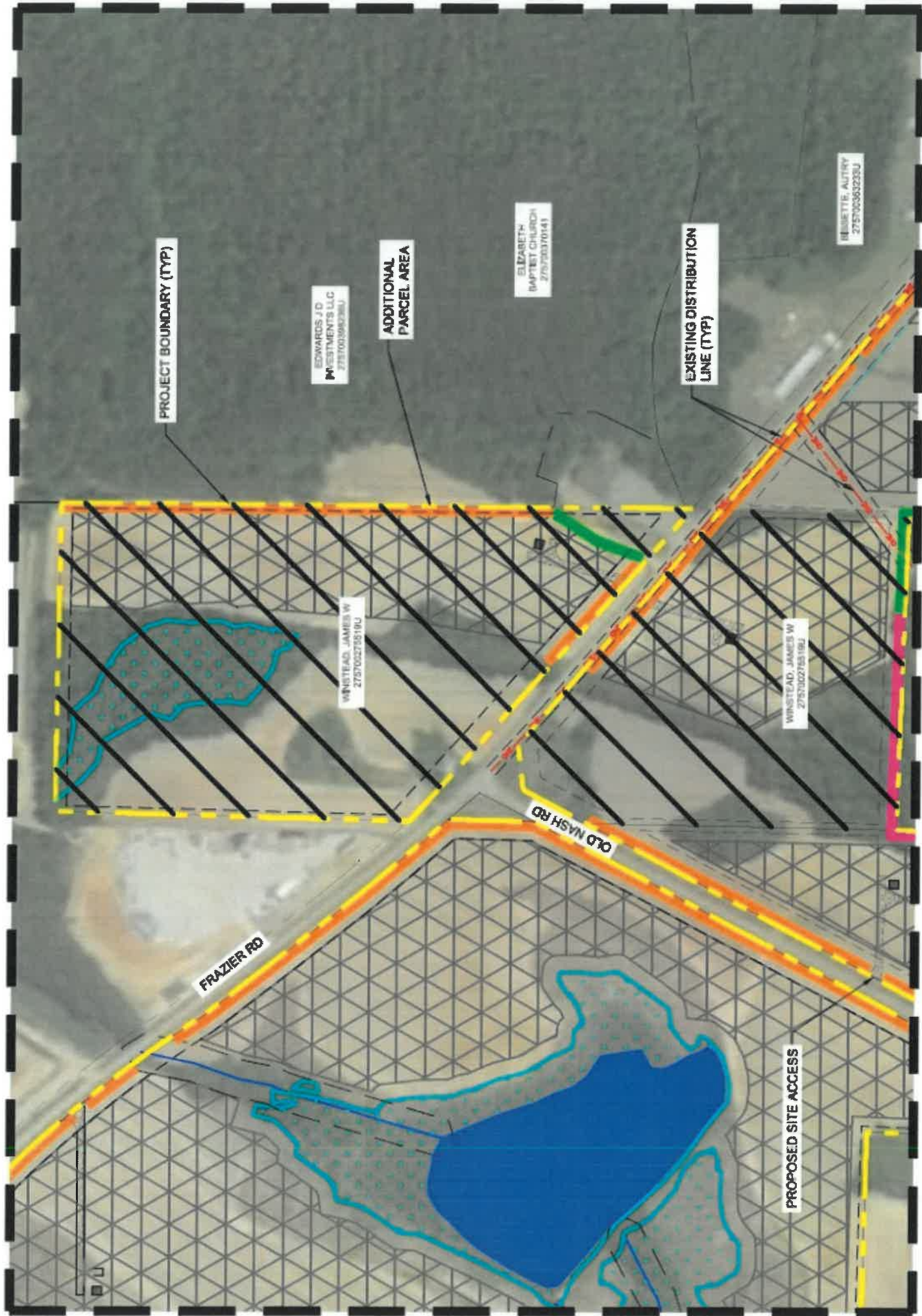
Existing  
Brantley  
Solar Farm  
Approx.  
360 Acres

Previously Approved  
Phobos Solar Farm  
Approx.  
692 Acres

Proposed Addition to  
Phobos Solar Farm  
Approx.  
24 of 40 Acres







PROJECT BOUNDARY (TYP)

EDWARDS J D  
INVESTMENTS LLC  
275700396228U

ADDITIONAL  
PARCEL AREA

ELIZABETH  
BAPTIST CHURCH  
275700370141

BESSIE ALTRY  
275700363233U

EXISTING DISTRIBUTION  
LINE (TYP)

WINSTEAD, JAMES W  
275700275519U

WINSTEAD, JAMES W  
275700275519U

OLD NASH RD

FRAZIER RD

PROPOSED SITE ACCESS



PHOBOS SOLAR

NORTH CAROLINA

ZONING  
SITE PLAN

DATE: 07/24/2019  
SCALE: AS SHOWN  
DRAWN BY: JSL  
CHECKED BY: C.M.  
RHA PROJECT: 073434001

PRELIMINARY  
NOT FOR  
CONSTRUCTION

Kimley-Horn  
© 2019 KIMLEY-HORN AND ASSOCIATES, INC.  
421 PINEWALK DRIVE, SUITE 300, ALBANY, NC 29817  
PHONE: 919-877-5500 FAX: 919-877-5590  
WWW.KIMLEY-HORN.COM

NO.	REVISIONS	DATE	BY
1	UPDATED PER PUBLIC AND PLANNING BOARD REVIEW	07/17/2019	JSL
2	UPDATED PER PUBLIC COMMENTS	08/17/2019	JSL
3	UPDATED PER PUBLIC COMMENTS	10/04/2019	JSL
4	UPDATED PER PUBLIC COMMENTS	12/04/2019	JSL
5	UPDATED PER COUNTY TDC COMMENTS	01/07/2020	JSL
6	UPDATED PER COUNTY COMMENTS	02/13/2020	JSL

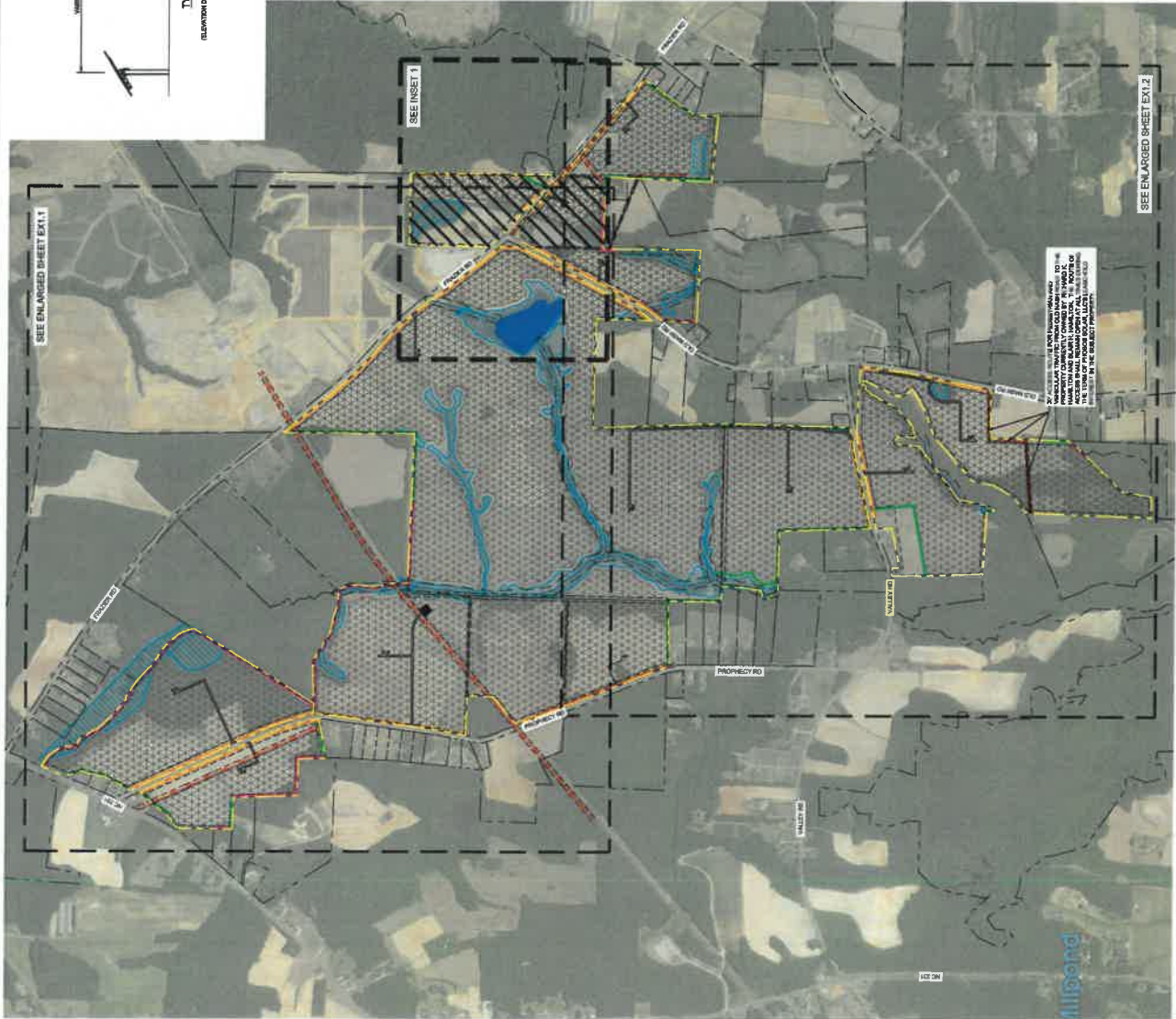
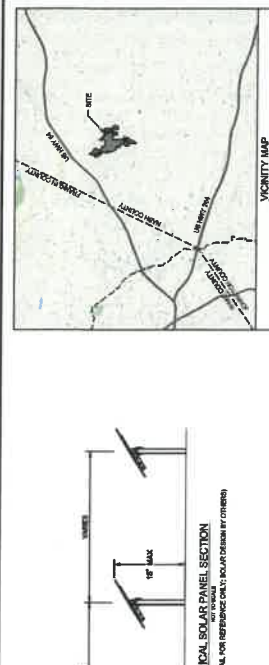
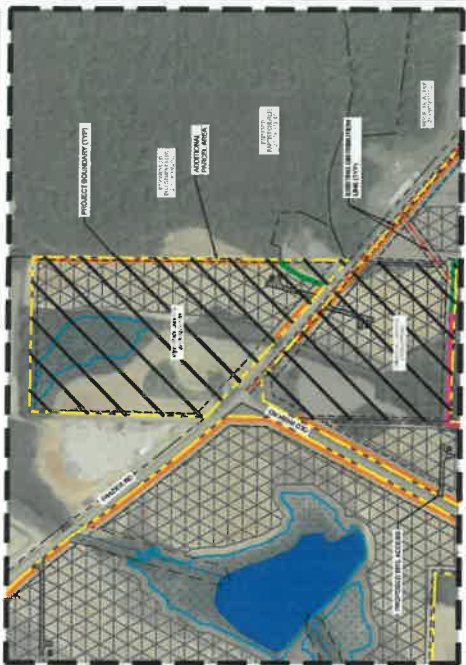


NOTES

1. ALL EXISTING UTILITIES, CONSTRAINTS, AND REQUIREMENTS SHOWN ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY. FIELD SURVEY DATA MAY VARY FROM RECORD DRAWINGS.
2. ALL EXISTING UTILITIES AND STRUCTURES ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY. FIELD SURVEY DATA MAY VARY FROM RECORD DRAWINGS.
3. ALL EXISTING UTILITIES AND STRUCTURES ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY. FIELD SURVEY DATA MAY VARY FROM RECORD DRAWINGS.
4. LOCATION OF PROPOSED IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO: PAVEMENT, CURBS, GUTTERS, SIDEWALKS, AND LIGHTING, SHALL BE DETERMINED BY THE ENGINEER IN CONJUNCTION WITH THE ADEQUATE EXISTING UTILITIES.
5. THE SOLAR PANEL FACILITY SHALL BE DESIGNED TO BE PLACED IN THE MOST EFFICIENT AND EFFECTIVE MANNER, INCLUDING BUT NOT LIMITED TO: PANEL ORIENTATION, TILT, AND TRACKING SYSTEMS.
6. PROPOSED ELECTRICAL SYSTEMS - INCLUDING BUT NOT LIMITED TO: WIRING, TRANSFORMERS, AND PANELS - SHALL BE DESIGNED TO BE PLACED IN THE MOST EFFICIENT AND EFFECTIVE MANNER, INCLUDING BUT NOT LIMITED TO: PANEL ORIENTATION, TILT, AND TRACKING SYSTEMS.
7. FENCE SHALL BE SET IN HEIGHT WITH THREE FEET SPACING.
8. APPROXIMATE AREA OF ALL EXISTING AND PROPOSED UTILITIES SHALL BE DETERMINED BY THE ENGINEER IN CONJUNCTION WITH THE ADEQUATE EXISTING UTILITIES.

PROJECT AREA	SITE DATA
PROJECT NO. & NAME	073434001 PHOBOS SOLAR
OWNER	PHOBOS SOLAR
ENGINEER	KIMLEY-HORN AND ASSOCIATES, INC.
DATE	07/24/2019
SCALE	AS SHOWN
PROJECT LOCATION	ALBANY, NC
PROJECT ZONING	AG-1 AGRICULTURAL DISTRICT
PROJECT LAND USE	AGRICULTURAL/FORESTED
PROJECT LOTS	100 AC
PROJECT ACRES	100 AC
PROJECT PERMITS	100 AC

LEGEND
PROJECT BOUNDARY
PROPOSED RETRACTION
20' MINIMUM STREAM BUFFER
EXISTING UTILITIES
ONE FENCE ENCLOSURE
FIELD DELINEATED RETRACTION
NEW UTILITIES
20' MINIMUM PLANTED BUFFER
PROPOSED ELECTRICAL SYSTEMS
20' MINIMUM FENCED BUFFER
MINIMUM ADJACENT EXTENSION
ADJACENT PARCEL AREA





# ZONING SITE PLAN NORTH

KHA PROJECT	013434001
DATE	07/24/2018
SCALE	AS SHOWN
DRAWN BY	JSL
CHECKED BY	SES
CAD	

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

**Kimley-Horn & Associates, Inc.**  
421 FAYETTEVILLE STREET, SUITE 600, HUNTER, NC 27501  
PHONE: 919-877-2000 FAX: 919-877-3050  
WWW.KIMLEY-HORN.COM

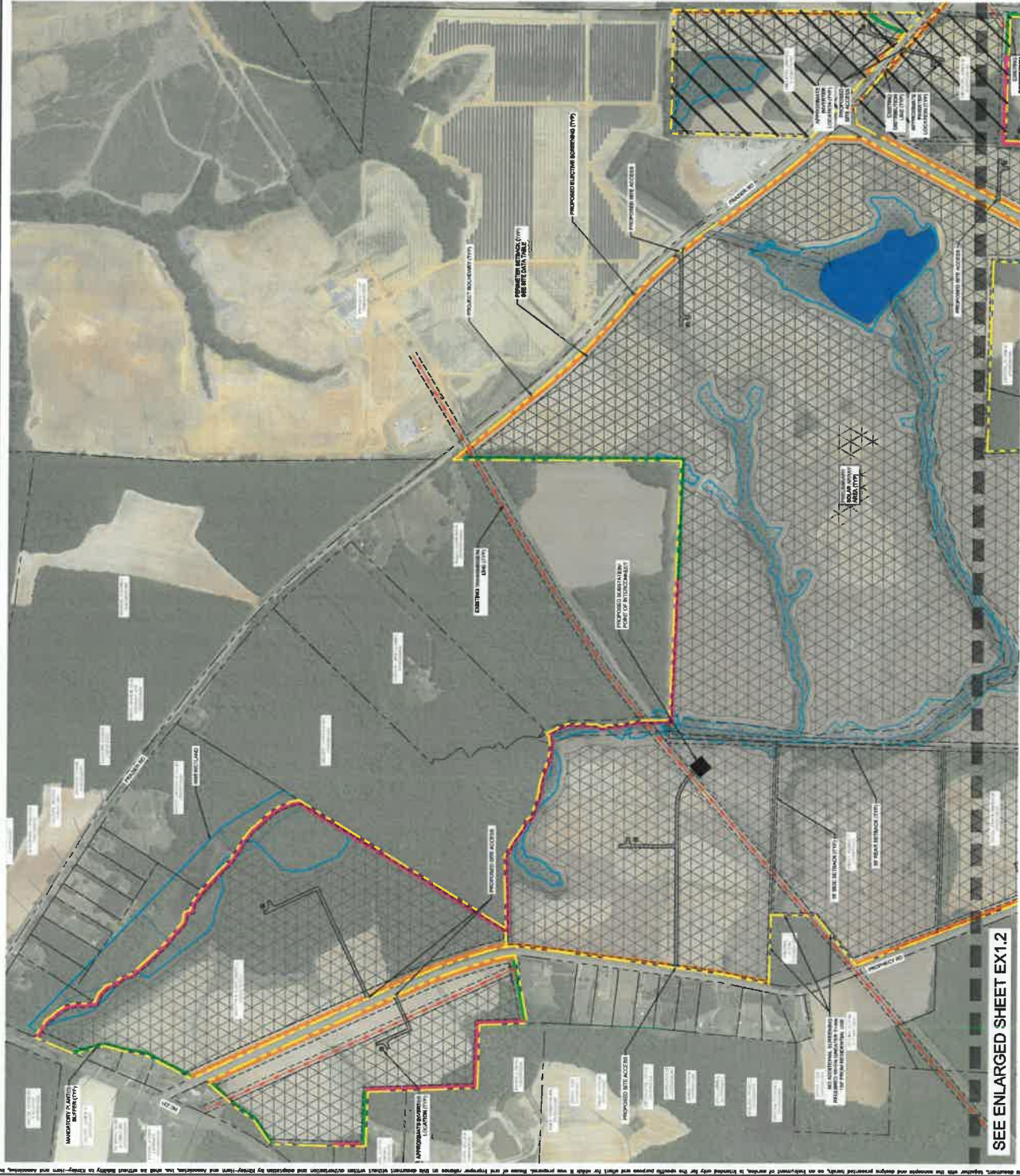
**Kimley»Horn**

No.	REVISIONS	DATE	BY
6	UPDATED PER COUNTY COMMENTS	01/13/2020	WTH
5	UPDATED PER COUNTY TMC COMMENTS	10/20/2020	WTH
4	UPDATED PER CLIENT COMMENTS	12/18/2019	JOT
3	UPDATED PER CLIENT COMMENTS	10/04/2019	SAS
2	UPDATED PER SPO COMMENTS	09/27/2019	JOT
1	UPDATED PER PUBLIC AND PLANNING FEEDBACK	07/17/2019	JOT

[illegible][illegible]

NOTES

- [illegible]



SEE ENLARGED SHEET EX1.2



PHOBOS SOLAR

NASH COUNTY	NORTH CAROLINA
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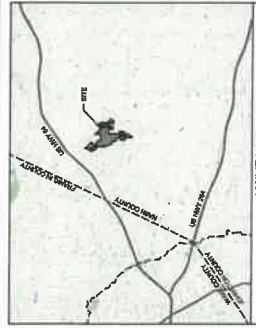
# ZONING SITE PLAN SOUTH

KHA PROJECT	013434001	DATE	07/24/2019	SCALE AS SHOWN	DESIGNED BY	JSL	ISSUED BY	SES	CHECKED BY	CJM
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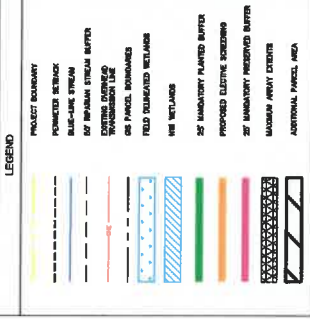
**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

# Kimley»Horn

DATE	REVISIONS	BY
01/13/2020	UPDATED PER COUNTY COMMENTS	RTH
01/07/2020	UPDATED PER COUNTY TPC COMMENTS	WBS
12/16/2019	UPDATED PER CLIENT COMMENTS	EDT
10/04/2019	UPDATED PER CLIENT COMMENTS	SAS
08/27/2019	UPDATED PER SHMO COMMENTS	EDT
07/17/2019	UPDATED PER PUBLIC AND PLANNING DEPARTMENT	WBS

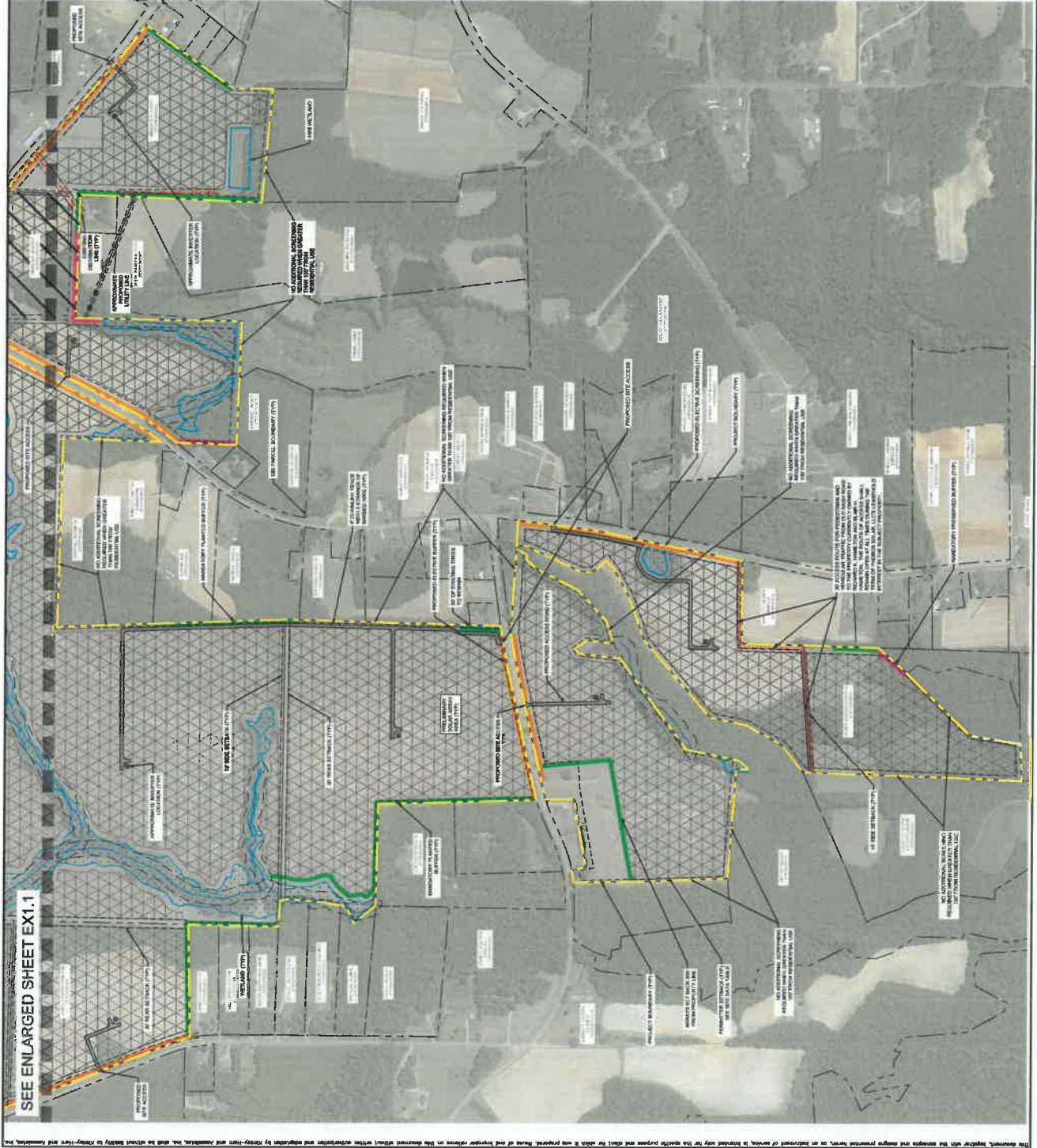
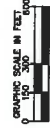


SITE DATA TABLE		SYN AGRES
PROJECT AREA	270001201017 270001201018 270001201019 270001201020 270001201021 270001201022 270001201023 270001201024 270001201025 270001201026 270001201027 270001201028 270001201029 270001201030 270001201031 270001201032 270001201033 270001201034 270001201035 270001201036 270001201037 270001201038 270001201039 270001201040 270001201041 270001201042 270001201043 270001201044 270001201045 270001201046 270001201047 270001201048 270001201049 270001201050 270001201051 270001201052 270001201053 270001201054 270001201055 270001201056 270001201057 270001201058 270001201059 270001201060 270001201061 270001201062 270001201063 270001201064 270001201065 270001201066 270001201067 270001201068 270001201069 270001201070 270001201071 270001201072 270001201073 270001201074 270001201075 270001201076 270001201077 270001201078 270001201079 270001201080 270001201081 270001201082 270001201083 270001201084 270001201085 270001201086 270001201087 270001201088 270001201089 270001201090 270001201091 270001201092 270001201093 270001201094 270001201095 270001201096 270001201097 270001201098 270001201099 270001201100 270001201101 270001201102 270001201103 270001201104 270001201105 270001201106 270001201107 270001201108 270001201109 270001201110 270001201111 270001201112 270001201113 270001201114 270001201115 270001201116 270001201117 270001201118 270001201119 270001201120 270001201121 270001201122 270001201123 270001201124 270001201125 270001201126 270001201127 270001201128 270001201129 270001201130 270001201131 270001201132 270001201133 270001201134 270001201135 270001201136 270001201137 270001201138 270001201139 270001201140 270001201141 270001201142 270001201143 270001201144 270001201145 270001201146 270001201147 270001201148 270001201149 270001201150 270001201151 270001201152 270001201153 270001201154 270001201155 270001201156 270001201157 270001201158 270001201159 270001201160 270001201161 270001201162 270001201163 270001201164 270001201165 270001201166 270001201167 270001201168 270001201169 270001201170 270001201171 270001201172 270001201173 270001201174 270001201175 270001201176 270001201177 270001201178 270001201179 270001201180 270001201181 270001201182 270001201183 270001201184 270001201185 270001201186 270001201187 270001201188 270001201189 270001201190 270001201191 270001201192 270001201193 270001201194 270001201195 270001201196 270001201197 270001201198 270001201199 270001201200 270001201201 270001201202 270001201203 270001201204 270001201205 270001201206 270001201207 270001201208 270001201209 270001201210 270001201211 270001201212 270001201213 270001201214 270001201215 270001201216 270001201217 270001201218 270001201219 270001201220 270001201221 270001201222 270001201223 270001201224 270001201225 270001201226 270001201227 270001201228 270001201229 270001201230 270001201231 270001201232 270001201233 270001201234 270001201235 270001201236 270001201237 270001201238 270001201239 270001201240 270001201241 270001201242 270001201243 270001201244 270001201245 270001201246 270001201247 270001201248 270001201249 270001201250 270001201251 270001201252 270001201253 270	



NOTES

1. ALL SOURCE INFORMATION, COMMENTS AND RECOMMENDATIONS MUST BE SUBMITTED ON ONE FILE. RECEIVED FROM ONE CASE RECOMMENDATIONS FROM MANY CASES.
2. ALL SOURCES AND REASONS ARE BASED ON UP-TO-DATE RESEARCHED FROM ONE FILE.
3. A PORTION OF THE SUBJECT'S HISTORY DOES NOT USE NEWSPAPERS, COMMUNITY PAPER, INFORMATIONAL AND 1/2-PORTION PROVIDED BY THE FEDERAL BUREAU OF INVESTIGATION.
4. PERSONAL, BUSINESS, MANAGEMENT, AND OTHER INFORMATION MUST BE SUBMITTED IN A SINGLE FILE. ALL INFORMATION MUST BE SUBMITTED IN A SINGLE FILE. ALL INFORMATION MUST BE SUBMITTED IN A SINGLE FILE.
5. THE YEAR, MONTH, AND DAY MUST BE SUBMITTED FROM THE YEAR OF LABORATION. THE YEAR MUST BE SUBMITTED FROM THE YEAR OF LABORATION. THE YEAR MUST BE SUBMITTED FROM THE YEAR OF LABORATION.
6. RECOMMENDED REASONING - REASONING REASONING MUST BE SUBMITTED FROM THE YEAR OF LABORATION. REASONING REASONING MUST BE SUBMITTED FROM THE YEAR OF LABORATION. REASONING REASONING MUST BE SUBMITTED FROM THE YEAR OF LABORATION.
7. FIVE MUST BE SIX FIVE IN HEIGHT WITH THREE DASHES. FIVE MUST BE SIX FIVE IN HEIGHT WITH THREE DASHES. FIVE MUST BE SIX FIVE IN HEIGHT WITH THREE DASHES.
8. APPROPRIATE MUST BE SIX FIVE IN HEIGHT WITH THREE DASHES. APPROPRIATE MUST BE SIX FIVE IN HEIGHT WITH THREE DASHES. APPROPRIATE MUST BE SIX FIVE IN HEIGHT WITH THREE DASHES.



SEE ENLARGED SHEET EX1.1



This document, together with the landscape and design presented hereby, are an integral part of the project and shall be read in conjunction with the project description and specifications. The client shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The client shall also be responsible for obtaining all necessary insurance and bonding for the project. The client shall also be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The client shall also be responsible for obtaining all necessary insurance and bonding for the project.

LANDSCAPE  
BUFFERS

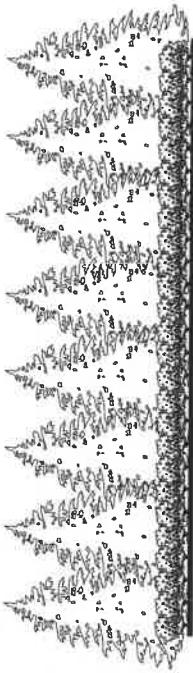
07/03/2019  
DATE  
07/03/2019  
SCALE AS SHOWN  
DESIGNED BY  
LCO  
CHECKED BY  
SES  
JSL

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451 FAYETTEVILLE DRIVE, SUITE 300, FAYETTEVILLE, NC 28404  
PHONE: 919-877-5000 FAX: 919-877-2550  
WWW.KIMLEY-HORN.COM

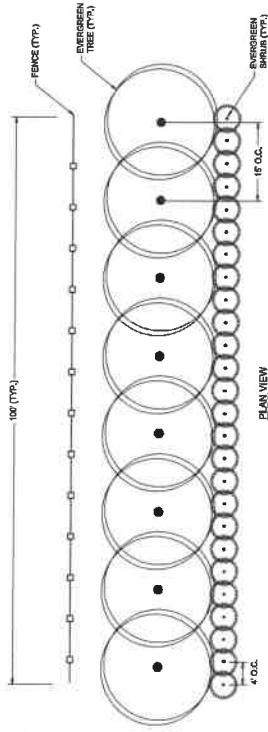
**Kimley-Horn**

PRELIMINARY  
NOT FOR  
CONSTRUCTION

NO.	REVISIONS	DATE	BY



FRONT ELEVATION



ELEVATION & PLAN

1 MANDATORY PLANTED BUFFER  
EX2.0 NOT TO SCALE

LANDSCAPE SUMMARY OF QUANTITIES (SEE MANDATORY PLANTED BUFFER DETAIL)						
QTY	COMMON NAME	HEIGHT AT PLANTING	SPACING	ROOT	DAUPER	
8	AMERICAN HOLLY - LEAF OPAL	6'-0"	15'-0"	8MB	0'-0"	
25	SPYDER BELLANVILLE - VERTICA NIGELLA	3'-0"	4'-0"	ROOT COMPANION	NA	

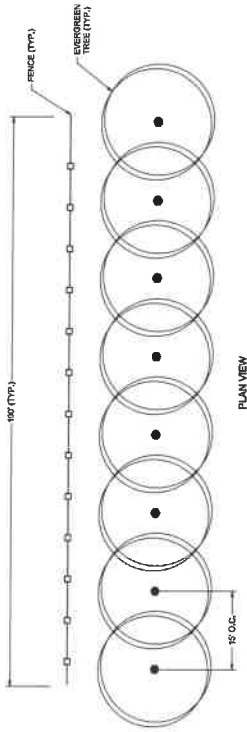
NOTES

1. PER NASH COUNTY LAND ACQUISITION RULES, REQUIREMENTS OF ADJACENT INCOMPATIBLE LAND USES SHALL BE MAINTAINED. THE BUFFER SHALL BE 30' HEIGHT AND A 10' WIDE BUFFER OF PLANTING SHALL BE MAINTAINED.
2. TO UTILIZE EXISTING VEGETATION THE EXISTING BUFFER MUST COMPLY WITH NASH COUNTY LAND ACQUISITION RULES AND BE MAINTAINED.
3. EXISTING VEGETATION SHALL BE MAINTAINED AND NOT REMOVED AT TIME OF CONSTRUCTION.

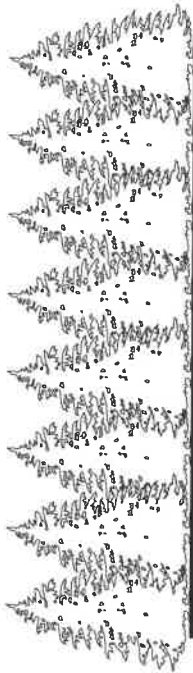
LANDSCAPE SUMMARY OF QUANTITIES  
(SEE ELECTIVE BUFFER DETAIL)

QTY	COMMON NAME	HEIGHT AT PLANTING	SPACING	ROOT	DAUPER	
8	AMERICAN HOLLY - LEAF OPAL	6'-0"	15'-0"	8MB	0'-0"	

2 ELECTIVE BUFFER  
EX2.0 NOT TO SCALE



ELEVATION & PLAN



FRONT ELEVATION

932



Doc ID: 008461480006 Type: CRP  
Recorded: 10/29/2019 at 02:28:18 PM  
Fee Amt: \$26.00 Page 1 of 6  
Nash County North Carolina  
Anne J. Melvin Register of Deeds  
BK 3016 PG 932-937

**ORDER GRANTING A CONDITIONAL USE PERMIT  
FOR A SOLAR FARM  
CASE #CU-190701**

The Nash County Board of Commissioners conducted a quasi-judicial public hearing at its regularly scheduled August 5, 2019 meeting to consider Conditional Use Permit Request #CU-190701 made by Phobos Solar, LLC on behalf of the property owners – R. Autry Bissette & Janet C. Bissette, the Draper Family Partnership, M F & T Properties LLC, Robert Todd Perry, and the Richardson Family Trust Under the Will of William Percy Richardson, Jr. - to authorize the development of an 80 megawatt photovoltaic solar farm on all or portions of eight tracts of land totaling approximately 692 acres located on the east side of S NC Highway 231, the south side of Frazier Road (S.R. 1137), both sides of Prophecy Road (S.R. 1157), both sides of Old Nash Road (S.R. 1141), and both sides of Valley Road (S.R. 1158) in the A1 Agricultural Zoning District and further identified as Nash County Tax Map PIN #s 274700765355, 274700775463, 274700782815, 274700904810, 274700945430, 274800615377, 275700172817, and 275700363233 and Tax Parcel ID #s 003971, 004009, 006205, 007985, 007993, 007997, 008139, and 008142.

A notice of this public hearing was mailed to the permit applicant, to the owners of the subject properties, and to the owners of record for tax purposes of all properties located within 600 feet of the subject properties on July 23, 2019. Notice of this public hearing was published in The Enterprise on July 24, 2019 and in the Rocky Mount Telegram on July 25, 2019 and August 1, 2019. Notice of this public hearing was also posted on the subject properties on July 25, 2019.

Having reviewed the application, the report of planning staff, the proposed site plan, and having heard the evidence and arguments presented by all parties at the hearing including Nash County Planning Director Adam Tyson, Attorney for the Applicant Brett T. Hanna, Vice President Cory Howell, PE with Kimley-Horn & Associates, Inc., Project Manager Cullen Morris with Phobos Solar, LLC, and Damon C. Bidencepe, MAI with Bidencepe & Associates, the Board makes the following Findings of Fact upon substantial evidence presented.

**FINDINGS OF FACT**

1. The proposed site is located in the A1 Agricultural Zoning District and a solar farm is a permitted land use in this district with the issuance of a conditional use permit by the Nash County Board of Commissioners.
2. The proposed solar panel arrays are depicted on the submitted site plan to reach a maximum height of fifteen feet (15') above grade, not exceeding the maximum allowable height of twenty-five feet (25').
3. The submitted site plan depicts the proposed solar farm facilities and structures to be in conformance with the principal building setback requirements of the A1 Agricultural Zoning District in which it will be located.
4. The submitted site plan depicts the solar farm facility enclosed by a six foot (6') high chain-link security fence topped with three-strand barbed wire.
5. The submitted site plan depicts the location of the maximum potential extent of the solar panel array coverage on the subject properties meeting the required separation distances from the surrounding property lines. It also depicts the locations of the proposed substation, inverters, access drives, vegetative screening buffers, and areas to remain undisturbed for the protection of existing wetlands and riparian stream buffers. The site plan includes a scaled drawing of the proposed solar collector structures.
6. No visual safety hazard is anticipated to be caused for motorists passing the solar farm facility because the photovoltaic cells will be treated with an anti-reflective coating in order to prevent glare.
7. Each lease agreement related to the solar farm facility requires the applicant, Phobos Solar LLC, to remove all of the related solar structures or equipment located on the property at its own expense at the end of the lease term, preventing the facility from being abandoned in a state of disrepair.
8. The solar farm will be fenced and gated to control access to the facility.
9. The solar farm facility will be constructed to meet all applicable construction codes.
10. The solar farm facility will not produce or release any dangerous vapors or contaminants into the environment.
11. The proposed solar panels are made primarily of glass and other inert materials and utilize "Thin Film" technology to lock the photovoltaic materials into the panels, preventing them from leaching into the soil or ground water.

12. Cory Howell, licensed North Carolina professional engineer and Vice President at Kimley-Horn and Associates, Inc. testified during the public hearing and in a submitted affidavit dated August 2, 2019 that in his professional opinion, "the proposed solar facility will not materially endanger the public health or safety" based on reasons including, but not necessarily limited to:

- a) Solar technology is not new and has been in operation for more than 50 years in the United States.
- b) A solar facility is a passive use of land.
- c) Solar facilities are environmentally friendly.
- d) Solar panels are composed of materials the citizens of Nash County come in contact with regularly and are typical of building materials used in commercial and residential developments.
- e) Solar panels pass the EPA's toxic leaching characteristic procedure test, which classifies them as non-hazardous waste allowing for their disposal in landfills and demonstrating that they do not pose a threat to health or ground water if abandoned on the ground.
- f) Solar panels may be recycled, rather than put in a landfill, at the end of their useful life.
- g) Solar facilities are considered to be pervious surfaces, meaning that any rainwater that hits them will roll off and be absorbed into the ground, with the exception of the small areas where the racking is driven into the ground and the proposed equipment pads.

13. The applicant has submitted an impact analysis appraisal report for the proposed solar farm facility prepared by Damon C. Bidencope, MAI of Bidencope & Associates stating that in his professional opinion, "The proposed use will not substantially injure the value of adjoining or abutting property."

14. The solar farm facility generates minimal noise during operational daylight hours and no noise at night.

15. The solar farm facility does not generate dust, fumes, or odors.

16. After construction, the solar farm facility will generate no additional traffic with the exception of routine maintenance inspections or repairs.

17. The solar farm facility shall be largely screened from view by the proposed existing or planted vegetative buffers.

18. The Nash County Land Development Plan designates the subject property as a Suburban Growth Area.

19. While the Land Development Plan does not specifically comment on solar farms as a potential land use, solar farm facilities have previously been determined to be compatible with the Suburban Growth Area because:

- a) The solar farm facility is a relatively low-intensity land use consistent with the existing low-density residential and agricultural development pattern of the surrounding area.
- b) The solar farm facility does not require public infrastructure services such as the provision of a water supply or wastewater disposal services.
- c) The solar farm facility will provide a renewable, sustainable alternative source of energy to benefit the community.

#### CONCLUSIONS OF LAW

Based upon the above-listed Findings of Fact, the Nash County Board of Commissioners adopts the following conclusions of law:

- 1. The proposed development meets all the standards required by the Nash County Unified Development Ordinance, including the specific requirements of Article XI, Section 11-4, Subsection 11-4.72(a) for solar farm facilities.
- 2. The proposed development will not materially endanger the public health or safety.
- 3. The proposed development will not substantially injure the value of adjoining or abutting property.
- 4. The proposed development will be in harmony with the area in which it is to be located.
- 5. The proposed development will be in general conformity with the Nash County Land Development Plan.

#### ADDITIONAL CONDITIONS

The Conditional Use Permit is subject to the following conditions:

- 1. The solar farm facility shall be developed on the subject properties in accordance with the submitted application materials, the submitted site plan, and all applicable requirements of the Nash County Unified Development Ordinance.
- 2. All vegetative screening buffers shall be planted or preserved as depicted on the submitted site plan and shall be maintained and/or replaced as necessary in order to provide effective visual screening of the solar farm facility.

3. The panel array area, inverter, and access road shall be located away from both the adjacent residential property at 8885 Valley Rd and the adjacent existing cemetery as shown on the submitted site plan.
4. The submitted site plan shall be revised to add an additional elective planted screening buffer along the south side of the Valley Rd public right-of-way between the eastern side property line of the residential property at 8885 Valley Rd and the previously proposed planted screening buffer to be located along the eastern side of the existing cemetery as well as to note that the existing vegetation located along the western side property line of the residential property at 8630 Valley Rd shall be preserved and supplemented as necessary to satisfy the applicable screening requirements of the Nash County Unified Development Ordinance.
5. Upon approval of the conditional use permit, the applicant shall submit the required permit recording fee made payable to the Nash County Register of Deeds.
6. Prior to the issuance of a construction authorization, the developer shall submit a revised site plan depicting the specific construction details of the solar farm facility.
7. A thirty foot (30') wide access route for pedestrian and vehicular traffic as depicted on the submitted site plan from Old Nash Road across the properties identified as Tax Parcel ID #s 007993 & 008142 to the immediately adjacent property to the west identified as Tax Parcel ID #005525 currently in the ownership of Richard K. Hamilton and Blair H. Hamilton shall remain open at all times during the term of Phobos Solar, LLC's leasehold interest in the subject property.
8. The development of the solar farm facility shall be subject to the approval and issuance of the following additional permits and documents, as applicable:
  - a) Sedimentation & Erosion Control Plan Approval, Stormwater Permit Approval, and Riparian Stream Buffer Determination all issued by the N.C. Department of Environmental Quality;
  - b) Driveway Permits issued by the N.C. Department of Transportation;
  - c) Demolition Permit issued by the Nash County Planning & Inspections Department and Well and/or Wastewater System Abandonment Permits issued by the Nash County Environmental Health Division for the existing dwelling located at 3602 Frazier Road; and
  - d) Zoning Permit and Electrical Permit issued by the Nash County Planning & Inspections Department.
9. Noise generated by the equipment related to the solar farm shall not exceed 75 decibels as measured at the exterior property line of the facility.

10. The landowner(s) of record shall be responsible for the deconstruction and removal of the solar farm at such time that the facility is either decommissioned or abandoned in accordance with the requirements of UDO Article XI, Section 11-4, Subsection 11-4.72(a)(G).

Authorization of this permit, including the conditions, establishes a vested right in accordance with the Nash County Unified Development Ordinance Article IV, Section 4-15, Zoning Vested Rights, which shall remain valid for two years from the effective date of approval by the Board of Commissioners.

Based upon the above-listed Findings of Fact and Conclusions of Law, the applicant is entitled to this Conditional Use Permit for the development of a Solar Farm, and the Permit is hereby issued subject to the stated Additional Conditions.

Adopted this 5<sup>th</sup> day of August, 2019.



Robbie B. Davis, Chairman  
Nash County Board of Commissioners

Attest:



Janice Evans, Clerk to the Board

26.00  
Planning  
(HB)